



**GALLATIN COUNTY WEED CONTROL DISTRICT
NOXIOUS WEED ENFORCEMENT COMPLAINT FORM**
(Revised 2004)

Noxious weeds are a serious problem in Gallatin County and throughout Montana. The Montana Department of Agriculture defines a noxious weed as any non-native plant that is harmful to agriculture, wildlife, forestry, recreation, endangered species, and other beneficial uses of the land. Listed in this document are the 30 noxious weeds on the State of Montana and Gallatin County Noxious Weed List that landowners are required by law to control.

What do we do about noxious weeds? Just as there are different weed species, there are different solutions. The common thread to every successful weed control program is working together and working according to a well thought out plan. Planning and cooperation are the keys. Here's why:

1.) Weeds do not respect borders or man-made boundaries. Thus, if one landowner cleans up their property, but a neighbor doesn't, noxious weeds quickly re-infest the clean property. Weeds move back and forth between neighbors, from subdivisions and towns, from roadsides and private lands. They can be spread by man, vehicles, birds, wildlife, domestic animals, and waterways. Noxious weeds spread across federal and state lands to private lands and back again. Tackling a weed problem on one side of a property boundary without working on the opposite side leads to frustration and ultimately, failure. We must work together to succeed.

2.) Control programs can involve various methods. Controlled grazing, mowing, hand-pulling, burning, herbicides, and biological controls can play vital roles in controlling noxious weeds. Success requires coordination and planning to maximize effectiveness and insure that each method is used only where environmentally safe. Economic efficiency and successful control results when diverse control methods are coordinated under the guidance of a good plan.

3.) Noxious weeds are everyone's problem, thus everyone must contribute to their control. According to the Montana Noxious Weed Control Act, 7-22-2101 through 2153, it is unlawful for any person to permit any noxious weed to propagate or to go to seed on his/her property, unless that person adheres to the noxious weed plan of Gallatin County or has entered into and is in compliance with a noxious weed management agreement with the Gallatin County Weed Control District. If only one landowner, one county, or one federal agency shouldered the entire burden for stopping noxious weeds, the cost would be prohibitive. If we all participate in weed management, our individual contributions are less burdensome and more cost-effective. Urban and rural residents, hunters, fishermen, backpackers, bikers, and other outdoor recreationists must assist each other and their public land managers if we hope to control the spread of noxious weeds. Noxious weeds threaten our natural resources, enjoyment, and utilization of the land. Becoming more knowledgeable about noxious weeds, and working together to stop these weeds can help protect our environment and natural resources.

The Gallatin County Weed Control Board has established a set of criteria and standards that complies with the Montana County Noxious Weed Control Act for the complaint, enforcement, and control policies of noxious weeds in Gallatin County. This information is contained in the following section along with a complaint form. The District has no power to enforce weed control laws on weeds not contained on the noxious weed list. If you wish to file a noxious weed complaint with the Gallatin County Weed Control District, please complete the complaint form and send it to the Gallatin County Weed Control Office.

WHAT ARE NOXIOUS WEEDS

Noxious weeds are non-native plants that compete with desirable plants for water, nutrients, light and room to grow. Most noxious weeds are native to Eurasia and have likely entered the North American continent from ship ballast, contaminated food seed, as ornamentals, or in infested hay bales. Environmental, natural and cultural controls such as plant competition, insects, diseases, and intensive grazing have kept these plants from becoming problems in their native habitat. Since these competitive factors and land management practices did not migrate with the plant, noxious weeds in North America can grow virtually unhindered. Noxious weeds reduce range and farmland by choking out native and/or beneficial plant species which in turn, decreases the value and productivity of the land. Noxious weeds do not limit themselves to agricultural areas they can also invade such lands as Forest Service, FW & P, BLM, Wilderness, National Park Service, county and state roadsides, private landowner properties, and city municipalities. Noxious weeds have the potential to reduce bio-diversity, increase soil erosion, reduce wildlife habitat and numbers as well as diminish water quality. Below is a list of the noxious weeds in Gallatin County that landowners are required by law to control.

NOXIOUS WEEDS IN GALLATIN COUNTY

Category 1 Weeds

1. Canada Thistle
2. Field Bindweed
3. Whitetop
4. Leafy Spurge
5. Russian Knapweed
6. Spotted Knapweed
7. Diffuse Knapweed
8. Dalmation Toadflax
9. St. Johnswort (Goatweed)
10. Sulfur Cinquefoil
11. Common tansy
12. Ox-eye daisy
13. Houndstongue
14. Yellow toadflax

Category 2 Weeds

15. Dyers Woad
16. Purple Loosestrife
17. Tansy Ragwort
18. Meadow Hawkweed
19. Orange Hawkweed
20. Tall buttercup
21. Tamarisk
22. Perennial pepperweed

Category 3 Weeds

23. Yellow Starthistle
24. Common Crupina
25. Rush Skeletonweed
26. Yellowflag iris
27. Eurasian watermilfoil

Category 4 Weeds

28. Meadow Knapweed
29. Musk thistle
30. Poison hemlock

GALLATIN COUNTY WEED CONTROL DISTRICT COMPLAINT AND ENFORCEMENT POLICIES AND PROCEDURE

1. Reference: Montana County Weed Control Act, Title 7, Chapter 22, Sections 2101 through 2153.
Montana Administrative Rules 4.5.201 through 4.5.203.

2. Definitions:

BOARD	The Gallatin County Weed Control Board
COMPLAINANT	The person(s) filing a complaint
DISTRICT	The Gallatin Weed Control District
RESPONDENT	The person(s) to whom the complaint is directed and on whose land the noxious weeds are growing
NOXIOUS WEEDS	Means noxious weeds as defined by the Montana Noxious Weed Control Act
SUPERVISOR	An authorized agent of the Board
NOTICE OF NONCOMPLIANCE	An order to take corrective action

3. **Complaints** are specific written accusations of noxious weed infestations and will proceed within the context of the Montana Weed Control Act. Complaints can be generated by the Board or by individuals.

Reports are verbal or incomplete accounts of noxious weed infestations and will be addressed depending upon priority category of the weed, time available to research the report and other labor constraints. Voluntary control of noxious weeds is the only action to be pursued where a report has been made. A complaint must be filed in order to take legal action.

Unsigned, anonymous, incomplete or verbal complaints are considered reports.

4. All complaints must:
 - a. Be dated.
 - b. Be in writing and legible with the complainants name printed.
 - c. Specifically detail the nature and location of the complaint.
 - d. Specify the person about whom the complaint is directed: i.e. the landowner with the noxious weeds.
 - e. Be signed.

A complaint form accompanies this document.

COMPLAINT PROCEDURE

1. Where a complaint has been made by a member of the public, the respondent will be notified of the complaint and the Board may request voluntary inspection of the land with the respondent within 10 days of notification. If the Board cannot gain the cooperation of the respondent to inspect the land, the Board or its authorized agent may enter and inspect the land to determine if the complaint is valid.
2. If the complaint is valid, the Board or its authorized agent, will notify the respondent and seek voluntary compliance with the county weed control plan and accepted methods of noxious weed management.
3. If voluntary compliance is not attained, a notice of noncompliance will be sent to the respondent by certified mail. The notice must specify:
 - a. The nature of the complaint.
 - b. The specific geographic location of the complaint.
 - c. Measures to be undertaken in order to comply with the weed district's weed control plan to include a written weed control proposal using acceptable methods of noxious weed management.
 - d. A reasonable period of time, not less than 10 days, in which compliance measures must be initiated.
 - e. The right of the respondent to request, within the time specified in subsection 3 (d), to an administrative hearing as provided in 7-22-2110 of the Weed Control Act.
4. **A person is considered in compliance if they submit and the Board accepts a written proposal to undertake specified control measures and is in compliance so long as they perform according to the terms of the proposal.**
5. **In accepting or rejecting a proposal, the Board shall consider the economic impact on the respondent and their neighbors, practical biological and environmental limitations, and alternative control methods to be used.**
6. If corrective action is not taken and no proposal is made and accepted or no request for an administrative hearing is made within the time specified in the notice:

The Board enters the respondents land and institutes appropriate control measures. The Board will then submit a bill to the respondent itemizing labor costs, materials and equipment time together with a penalty not to exceed 50% of the total cost incurred. If the bill is not paid, the cost will be added to the assessment of the land.

7. If a person receiving an order to take corrective action requests an administrative hearing, the Board may not institute control measures until the matter is finally resolved except in case of an emergency. In such case, the person is liable for costs as provided in the Montana Weed Control Act, Section 2124, only to the extent determined appropriate by the board, commissioners, or court that finally resolves the matter. **NOTE:** Detection and immediate action to eradicate Category 2 and 3 noxious weeds is considered an emergency.
8. **NOTE: The Gallatin County Weed Control District will not use long term residual chemicals during the course of enforcement actions. Landowners must realize that follow up treatments will be necessary to manage the noxious weeds.**



GALLATIN COUNTY WEED CONTROL DISTRICT
NOXIOUS WEED COMPLAINT FORM
(Please Print or Type)

(Date)

1. _____
Name of Person making the complaint)

(Address) (City) (State) (Zip) (Phone)

2. _____
Name of Respondent (person with the noxious weed infestation)

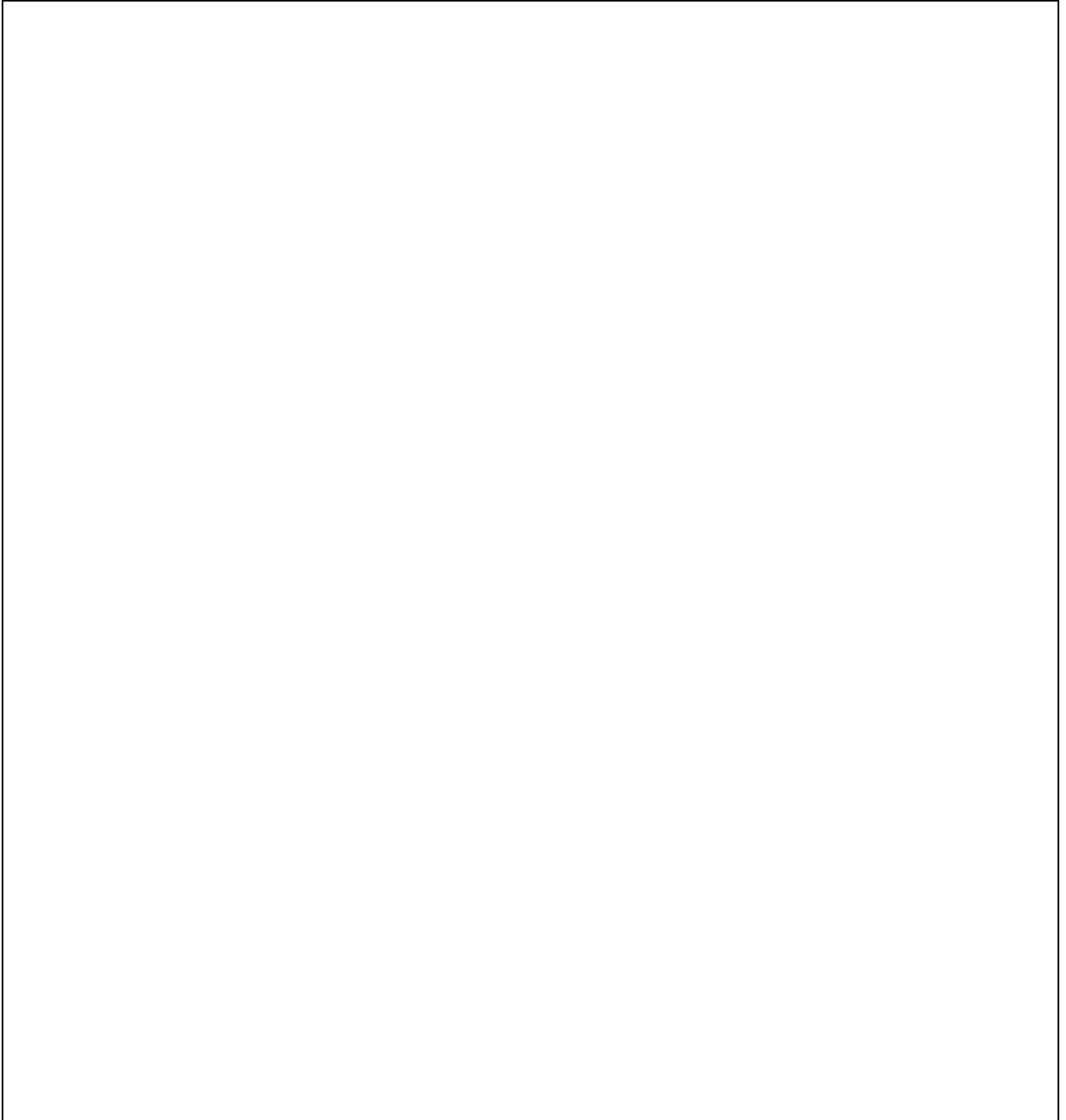
(Address) (City) (State) (Zip) (Phone)

3. Location of Noxious Weed Infestation _____

4. Explain the nature of the complaint and the situation surrounding it. Include the noxious weeds present, and the specific location of the complaint. Use landmarks, lot numbers, or legal descriptions. Sketch a map on the back of this sheet showing the location of the noxious weed infestation(s). _____

(Signature of person filing the complaint)

Sketch Map of Area showing Weed Locations

A large, empty rectangular box with a thin black border, intended for a hand-drawn sketch map of an area showing weed locations. The box occupies the central portion of the page.